

# GREENHOUSES, VINERIES, AND AVIARIES. AWARD UNDER THE BUILDINGS ACT.

THE official referees have recently made an award which will affect very materially the construction of greenhouses and such like buildings; believing it to be a matter of some importance, and that the decision should be known, generally, we print it entire.

"Whereas the official referees of metropolitan buildings, duly appointed in pursuance of the said Act, have received and duly considered the requisition dated the 3rd day of April, 1845, from Thomas Leverton Donaldson, the surveyor of the (South Kensington) district, whereby it appears that J. Weeks and Day were erecting the (described) greenhouse, and further that the said J. Weeks and Day declined to give notice thereof to the said Thomas Leverton Donaldson, as district surveyor, on the ground that the exception of the Act freed the same from all control, and whereby the said Thomas Leverton Donaldson requests the opinion of the official referees.

First, "as to whether such a greenhouse or conservatory as the greenhouse in question be exempt; and,

Secondly, to what extent the exception of the Act in schedule C, part 7, reaches; and,

Thirdly, whether the district surveyor have any and what control over greenhouses, vinerias, aviaries, or such like buildings; and,

Fourthly, whether it be under section 8 or any other part of the Act; and,

Fifthly, whether such buildings may be of wood; and,

Sixthly, whether any difference as to the materials of which they are constructed will arise in the cases of their being attached to another building or completely detached from any other erection."

And whereas the said official referees have also received and duly considered the letter from the said J. Weeks and Day, dated the 25th day of April, 1845; stating,

That "they are advised that greenhouses and particularly one of the description of the one in question fall within the exception to schedule C, part 7, of the Buildings Act, and that the 8th section refers only to buildings of the same kind as those included in some one of the defined classes, and cannot be construed to apply to buildings expressly, and by name excluded from such classes."

And whereas on the 7th day of May, 1845, the said official referees did duly hear the said Thomas Leverton Donaldson and J. Weeks touching the matters of the said requisition, and thereupon the said J. Weeks did demur to the jurisdiction of the said official referees on the ground that greenhouses, aviaries, and such like buildings were exempted from the operation of the provisions of the Metropolitan Buildings Act.

Now we, the said official referees, do hereby find, determine, and award as to the first question—

That inasmuch as all buildings (except buildings comprised in schedule B), are by section 5, of the said Act, brought within its operation; the greenhouse or building in question must be deemed to be within the provisions of the said Act.

And further as to the second question—

That the exception in schedule C, part 7, must be deemed to apply only to the mode of determining the rate of such greenhouse or building, and the thickness of the walls, and any other matters dependent upon the rate of building.

And further as to the third question—

That greenhouses, vinerias, aviaries, or such like buildings, are within the jurisdiction of the district surveyor.

And further as to the fourth question—

That such buildings are under the direction of the district surveyor, under section 8 of the said Act.

And further as to the fifth question—

That unless they be "insulated buildings," within the meaning of the said Act, such buildings must not be built wholly of wood.

And further as to the sixth question—

That such buildings, whether attached or detached from other buildings, must in either case be conformable to the provisions of the said Act.

And with regard to the costs and expenses attending this reference, we do hereby further award that inasmuch as the case was one of reasonable doubt, the same be paid by the said J. Weeks and Day, and Thomas Leverton Donaldson, or by either of them, that is to say the sum of 4l. 2s., as and for the fees and expenses of the office of metropolitan buildings, to the registrar of metropolitan buildings, at the said office, No. 3, Trafalgar-square, London, on or before the 2d day of June, 1845; and that the party by whom the said fees and expenses shall be paid be entitled to be reimbursed one moiety thereof by the other party.

In witness whereof we, the said official referees, have to this our award, on five pages of foolscap paper, set our hands this 24th day of May, 1845. (Signed),

JAR. W. HINDING. } Official Referees.  
WILLIAM HOSKING. }

## POWER OF THE OFFICIAL REFEREES.

Sir,—Have the kindness to inform me, and builders concerned in the following question,—What remedy have the official referees, under the Metropolitan Buildings Act, to compel obedience to their dictum, in cases where building owners contend for their right to proceed with buildings commenced before the 1st January last, in opposition to their award made against such buildings, upon the assumption that such buildings were not sufficiently commenced to take them out of the operation of the said Act?—If their course be by application to magistrates, do you not conceive that, as the Act defines no extent of commencement, the builders may confidently rely on the general honour and integrity of that body (the magistrates), to protect the building community from the limited views desired to be set up by the official referees in their letter to Mr. Allen of the 4th of January last? I refer you to your page 154, containing the following observation of Mr. Jeremy, in a case reported to have been heard before him at Greenwich:—"I must take the clauses in their literal interpretation;" by which straightforward reading, may it not be inferred, the magistrates will not lend themselves to any party (however influential), to the contravention of the express language of the Act, and the consequent injury to builders so circumstanced? Your consideration of, and reply to, this inquiry, will, through the medium of your journal, oblige a constant reader and subscriber.

A BUILDER.

"\* The award of the official referees is as binding and conclusive against every person as if made under an order of reference of the Court of Queen's Bench, and may be enforced by that Court in all respects, as if it were so made."

## HEALTH OF TOWNS.

THE Fabian policy of Government with respect to the sanitary condition of towns and the consequent moral improvement of the industrious classes, challenges a remark at this advanced period of the session, the more so as nothing yet has been even proposed. Should this lethargy on the part of our rulers continue a few weeks longer, fifth and disease will have acquired an extension of their term of duration beyond what was expected. Her Majesty in her speech from the throne last February, emphatically said that it would be highly gratifying to her if Parliament could devise the means of promoting the health and comfort of the poorer classes of her subjects.

This gratification the Government appear disposed to withhold, at least for the present. They have already issued their fiat that light and air are still to be paid for, and have contented themselves with simply announcing that a general measure is in embryo, but when to be brought forth, or if at all, there is no pledge. We are much disposed to fear that autumn will find the health of towns in precisely the same condition as the spring did. Bills affecting the rich have been known to pass through their various stages with an almost electric speed; is there any enactment to prevent the same potent spell being applied to bills affecting the poor? If not, then, there may yet be hope during the present session?

## THE BRITISH ARCHÆOLOGICAL SOCIETY.

IF the amount of ill-feeling which has been generated by the unfortunate dissension in this association could have been calculated by those (be they on which side they may) who first fermented it, we are disposed to think they would have used their best endeavours to prevent disunion rather than to fan a trumpety spark into the violent flame now burning. More annoyance has been caused to individuals than by any similar disagreement that has occurred for many years; and the whole course of the proceedings speaks very ill for the temper of the times.

The virulence with which that portion of the original committee who appealed to a general meeting of the subscribers, has been assailed by the friends of the other portion, is quite unexampled, and the mode of attack adopted is fraught with dangerous consequences to society at large, and should be repudiated by every upright man. Character is the mark they have aimed at, and whispered calumnies, anonymous letters to connections and superiors, published charges of almost swindling, which are found on examination to belong simply to the general question "are we right or wrong?" and do not attach to character in the slightest degree,—are the arrows which have been made use of. We do not hesitate to repeat, that it betrays every man who wishes to exercise an independent opinion in the world, to set himself resolutely against such a mode of proceeding.

Mr. Pettigrew, on whom much of the violence of the attack has fallen, has just now published a letter to the very Rev. the Dean of Hereford "in reply to the publication of his correspondence relative to the affairs of the British Archaeological Association." In this he refers in strong language to the attempt which have been made to fix on him indelicately as the person refusing to refund money subscribed, and not as the treasurer of an institution accountable to the members for the proper employment of the funds. He says he "would gladly have avoided every harsh word; but the possessor of an honourable mind will not fail to acquit me for the strong expressions of indignation with which I repel such mean, dastardly, and villanous insinuations and assertions." Personally we have not the pleasure of much acquaintance with Mr. Pettigrew, certainly much less than we have with many of the opposing party, and have been impelled to make the foregoing remarks, without any reference to the general question, solely by a sense of public duty, and a desire to assist in preserving the right of differing in opinion from others without being exposed to calumnious attacks on character.

## MOVEMENT IN THE SOCIETY OF ANTIQUARIES.

AT a meeting of the Society on Thursday, the 4th instant, W. R. Hamilton, Esq., Vice-President, in the chair, it was announced from the council, before taking the ballot on Dr. Bromet's motion,\* that they had passed a resolution to the effect that the council should meet once in every month during the sitting of the society, and oftener if necessary. Some of the members were anxious to adopt this as an amendment on the motion before the meeting, feeling that merely an order of council could of course be rescinded by the council at any time, but it was urged by Lord Mahon and others, that the meeting had no power to pass an amendment that night, but simply to say *aye* or *no* to the motion, of which notice had been given; and it was ultimately so ruled by the chairman.

On taking the ballot, twenty-six voted for the motion, and thirty-one against it, preferring in courtesy to take what was offered by the council rather than to exact more. The new resolution, if properly carried out, cannot fail to prove advantageous to the society, and will be speedily followed, we have little doubt, by some important changes. Mr. Disney, Mr. Pettigrew, Mr. Hawkins, Mr. Wyndham, and Mr. Wansey, took part in the debate.

\* "The council shall meet for the dispatch of business in the usual place at three o'clock on the first Tuesday of every month except during the months of September and October, and each meeting shall not be superseded unless by the votes of a majority of two-thirds of the council present."